

Memorandum



Date: October 2, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Agenda Item No. 14(A)(11)

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing Competitive Contract Awards and Rejections

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached competitive contract awards and rejections with authority to exercise options-to-renew. The recommended items to be considered by the Board are described below and in more detail in the accompanying attachments:

Contract Awards

Item 1.1 – Fluorosilicic Acid for Water and Sewer Department: Awards a contract for the purchase and delivery of fluorosilicic acid in tank trucks to various water and wastewater facilities. The amount requested for the five-year term is \$2,018,000.

Item 1.2 – Mailing Services: Awards a contract for the purchase of bulk mailing and related services for various County departments. The amount requested for the five-year term is \$6,450,000.

Item 1.3 – Liquid Ferric Sulfate and Liquid Ferric Chloride for the Water and Sewer Department: Awards a contract for the purchase and delivery of liquid ferric sulfate and liquid ferric chloride for the Water and Sewer Department. The amount requested for the five-year term is \$11,932,000.

Item 1.4 – Sodium Hypochlorite: Awards a contract for supply of sodium hypochlorite for the Water and Sewer Department. The amount requested for the five-year term is \$40,068,000.

Item 1.5 – Photographic Processing Services and Supplies, Close Circuit Television (CCTV), Broadcast and Audio Visual Equipment Parts and Repair Services Prequalification: Awards a contract for the purchase of photographic processing services and supplies, close circuit television, broadcast and audiovisual equipment, parts, and repair services for various County departments. The amount requested for the five-year term is \$755,000. If the one, five-year option to renew period is exercised, the cumulative value of the contract will be up to \$1,510,000.

Item 1.6 – Fire Hydrants, Accessories, Parts and Locks Prequalification: Awards a contract for the purchase of fire hydrants (Group A) and hydrant locks and key wrenches (Group B), as well as establish a prequalification pool for fire hydrant replacement parts and accessories (Group C). The amount requested for the five-year term is \$3,365,000.

Item 1.7 – Polo Shirts: Awards a contract for the purchase of polo shirts for various County departments. The amount requested for the five-year term is \$1,642,000.

Item 1.8 – Latex and Nitrile Gloves and Rejection of Bids for Item 13 of Group B: Awards a contract to nine vendors for the purchase of latex and nitrile gloves (Items #1 through #12) for various County departments. It is also recommended that the Board reject the bids received for Item #13 of Group B (polyethylene gloves). The amount requested for the five-year term is \$4,422,000.

Bid Rejections

Item 2.1 – Household Appliances: Rejects all five bids received under solicitation 9384-0/20 Household Appliances. The fiscal impact for the ten-year contract term would have been \$7,786,000.

Item 2.2 – Bulk Industrial Crude Solar Salt: Rejects the sole bid received under solicitation 9627-0/17 Bulk Industrial Crude Solar Salt. The fiscal impact for the three-year contract term would have been \$1,350,000.

Scope

The impact of the items in the attached Competitive Contract Awards and Rejections is countywide in nature.

Fiscal Impact/Funding Source

The allocation and funding source, by department, is listed in the attached items.

Track Record/Monitor

There are no known performance/compliance issues with the vendors recommended for award in this package. Each department's contract manager is reflected in the attached items.

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise, in their discretion, subsequent options-to-renew periods and extend contracts for purchase of goods and services in accordance with the terms and conditions of each contract.

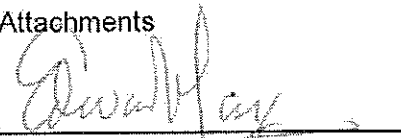
Due Diligence

Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and review of performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is provided pursuant to Resolution R-187-12.

Background

Additional background information on the awards and rejections are attached.


Attachments



Edward Marquez
Deputy Mayor

Date: August 7, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Recommendation to Award: Fluorosilicic Acid for Water and Sewer Department

Recommendation

It is recommended that the Board of County Commissioners (Board) approve award of contract 6877-0/17 *Fluorosilicic Acid* to Mosaic Crop Nutrition, LLC for the purchase and delivery of fluorosilicic acid in tank trucks to various water and wastewater facilities.

The Water and Sewer Department operates the various water and wastewater facilities and utilizes fluorosilicic acid for the treatment of potable water and helps reduce the incidence of tooth decay.

Scope

The impact of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the five-year term is \$2,018,000 and covered by the Water and Sewer Department's proprietary funds.

The previous contract value was \$4,312,000 for five years. Although the proposed contract amount is based on anticipated usage, it is lower than the previous contract due to a 32 percent reduction in dosage rates mandated by the Environmental Protection Agency (from 1,200 to 825 tons per year) to avoid health risks. Additionally, the new pricing is 17 percent lower than under the previous contract.

Track Record/Monitor

The Contract Manager in the Water and Sewer Department is Gregory Hicks. Herman Ramsey in the Internal Services Department is the Procurement Officer.

Delegated Authority

If this item is approved, the County Mayor or the County Mayor's designee will have the authority to exercise, at their discretion, contract modifications and extensions in accordance with the terms and conditions of the contract.

Due Diligence

Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and review of performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

Vendor(s) Recommended for Award

An Invitation to Bid was issued under full and open competition on May 3, 2012. Award of this contract was to be to the two responsive and responsible bidders offering the lowest price, as primary and secondary vendors. However, as there was only one responsive and responsible bidder, there is no secondary vendor award.

Vendor	Address	Principal	Award
Mosaic Crop Nutrition LLC	3033 Campus Drive Suite E490 Plymouth, MN	Lawrence W. Stranghoener	Primary vendor

The above firm is not a certified Small Business Enterprise.

Vendor(s) Not Recommended for Award

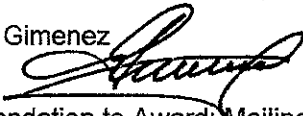
Proposers	Reason for Not Recommending
The Dumont Company, Inc. Key Chemical, Inc.	Failed to provide the correct certification document, per Section 2, Para 2.6(3).
Total Connection, Inc. (SBE)	Failed to provide required documents, per Section 2, Para 2.6(1 through 4) and affidavits.
Kemira Water Solutions, Inc. PENCCO, Inc.	Responded with a "No Bid".

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies and will be collected on all purchases.
- The Small Business Enterprise Bid Preference and Local Preference were applied in accordance with the applicable ordinances.
- The Living Wage Ordinance does not apply.


Alina T. Hudak
County Manager/Deputy Mayor

Item 1.2**Memorandum**

Date: August 7, 2012
To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
From: Carlos A. Gimenez
Mayor 
Subject: Recommendation to Award: Mailing Services

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the award contract 8058-0/17, *Mailing Services* to Arrowmail Presort Co., Inc. and Postal Center International for purchase of bulk mailing and related services for various County departments.

Due to the volume of outgoing mail generated by the County, as well as the net savings on first class postage rates, the County uses outside vendors for the pick-up and delivery of mail to the United States Postal Service (USPS) from various locations throughout the County. The County as a whole generates approximately three million pieces of first class mail per year due to the daily operations of various departments, including the Clerk of Courts, Water and Sewer Department, Internal Services Department, and others. In addition, these services are used by various departments for non-first class mailings such as the annual TRIM Notice, tax bills, building permits, and citation notices, to name a few. These non-first class mailings generate an additional seven to eight million pieces of mail per year. Lastly, the County also uses these vendors for additional services such as folding, inserting, metering, tabbing, barcoding, and presorting of mail.

The vendors furnish all labor, equipment, supervision, transportation, and incidentals required to pick up, presort, process, and/or deliver County mail. The vendors merge and/or comingle the County's mail with first class mail from their other clients, allowing the vendors to accumulate large volumes of mail daily and benefit from substantial discounts on first class mailing rates. On average, and inclusive of the vendor's \$0.009 per letter service charge, the County saves \$0.076 per letter on first class mail. On other types of mail, such as the TRIM notice and building permit mailings, a variety of discounted postage rates are used to achieve the lowest possible postage cost.

While not a revenue-generating service to the County, this savings, coupled with the highly specialized equipment required for this service, afford the most efficient method of ensuring the County's bulk mailing services needs are met.

Scope

The impact of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the five-year contract term is \$6,450,000. The proposed allocations are based on past usage and are budgeted as follows:

Department	Allocation	Funding Source	Contract Manager
Aviation	\$ 75,000	Proprietary Funds	Neivy Garcia
Clerk of Courts	3,850,000	Clerk's Funds	Charis Lubeck
Finance	150,000	General Fund	Geraldo Gomez
Internal Services	1,600,000	Internal Service Funds Fund	Steve Schmuger
Library	20,000	Library District Funds	Anna Rodriguez
Property Appraiser	500,000	General Fund	Bobby Flevaris
Water and Sewer	230,000	Proprietary Funds	Gregory Hicks
Total	\$ 6,450,000		

The previous contract value was \$7,138,000 for five and a half years.

Track Record/Monitor

The contract managers for each department are listed in the table above. Sherry Crockett of the Internal Services Department is the Procurement Contracting Officer.

Delegated Authority

If this item is approved, the County Mayor or the County Mayor's designee will have the authority to exercise, at their discretion, contract modifications, and extensions, and to issue work orders, in accordance with the terms and conditions of the contract.

Due Diligence

Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

Vendor(s) Recommended for Award

An invitation to bid was issued under full and open competition on March 27, 2012. Award of this contract was made to the lowest responsible, responsive vendor on a group-by-group basis. The groups represent specifications and estimated quantities for Internal Services, Clerk of Courts, Water and Sewer, and Property Appraiser. As needs arise for Aviation, Finance, and Library, these departments will identify which awarded group corresponds to their specification and quantities. A work order will be issued using the pricing and vendor for that group.

Awardee(s)	Address	Principal	Award Group
Arrowmail Presort Co., Inc.	9825 N.W. 17 th Street Miami, FL	Cristina Fernandez	Group A (Internal Services), Group B (Clerk of Courts) and C (Water and Sewer)
Postal Center International	3406 S.W. 26 th Terrace Fort Lauderdale, FL	Stephen Gussman	Group D (Property Appraiser)

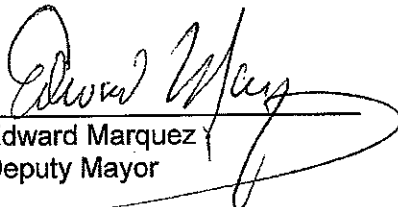
None of the firms above are certified as Small Business Enterprises.

Vendor(s) Not Recommended for Award

None, as there were only two bidders.

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies and will be collected on all purchases.
- The Small Business Enterprise Bid Preference and Local Preference were applied in accordance with the applicable ordinances.
- The services being provided are covered under the Living Wage ordinance.


Edward Marquez
Deputy Mayor

Item 1.3**Memorandum**

Date: August 2, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Recommendation to Award Liquid Ferric Sulfate and Liquid Ferric Chloride for the Water and Sewer Department

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve award of contract 9568-0/17 Liquid Ferric Sulfate and Liquid Ferric Chloride to Kemira Water Solutions, Inc. for the purchase and delivery of liquid ferric sulfate and liquid ferric chloride for the Water and Sewer Department.

WASD has been experiencing problems with the formation and buildup of struvite, which is a mineral commonly found in sewage and wastewater. The formation and build-up of struvite can clog valves, pipes, pumps, and centrifuges, creating significant operational issues and causing operating permit violations. Adding both ferric chloride and ferric sulfate at several points in the wastewater treatment process has become essential to removing struvite from the system, and is a long-term solution to control excessive struvite buildup.

SCOPE

The impact of this item is countywide in nature.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact for the total five-year contract term is \$11,932,000 budgeted from Water and Sewer Proprietary Funds. The proposed contract amount is based on anticipated usage.

The recommended contract award consolidates two existing contracts. The first contract is Liquid Ferric Sulfate which was for \$6,264,000 for four years. The second was emergency contract E9568-0/12 Liquid Ferric Sulfate and Liquid Ferric Chloride valued at \$500,000 for one year. The increased allocation is to cover the cost of both chemicals, as the previous contract was only for the purchase of liquid ferric sulfate. The pricing for the proposed contract is 22.5 percent and 19.5 percent less for ferric sulfate and ferric chloride, respectively, than under the current contract.

TRACK RECORD/MONITOR

The Water and Sewer Department's contract manager is Gregory Hicks. Herman Ramsey of the Internal Services Department is the Procurement Contracting Officer.

DELEGATED AUTHORITY

If this item is approved, the County Mayor or the County Mayor's designee will have the authority to exercise, at their discretion, contract modifications and extensions, in accordance with the terms and conditions of the contract.

VENDOR RECOMMENDED FOR AWARD

An Invitation to Bid was issued under full and open competition on February 29, 2012. Award was to up to two lowest responsive and responsible bidders offering the lowest aggregate price, as primary and secondary vendors.

Vendor	Address	Principal
Kemira Water Solutions, Inc.	1000 Parkwood Circle, Suite 500 Atlanta, GA	Joseph W. Richey

The above firm is not a certified Small Business Enterprise.

VENDORS NOT RECOMMENDED FOR AWARD

Proposer(s)	Reason for Not Recommending
PENCCO, Inc.	Vendor submitted a "no bid".
Thatcher Chemical of Florida	Vendor withdrew its offer prior to bid opening.

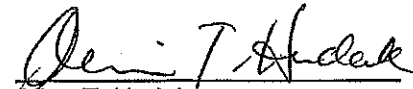
None of the above firms are a certified Small Business Enterprise.

DUE DILIGENCE

Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

APPLICABLE ORDINANCES AND CONTRACT MEASURES

- The Small Business Enterprise Bid Preference and Local Preference were applied in accordance with the applicable ordinances.
- The Living Wage Ordinance does not apply.
- The two percent User Access Program provision applies and will be collected on all purchases.


Alina T. Hudak
County Manager/Deputy Mayor

Date: August 21, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Recommendation to Award: Sodium Hypochlorite (NaOCl) in 10.5 Percent
Solution for the Water and Sewer Department

Recommendation

It is recommended that the Board of County Commissioners (Board) approve award of contract 4132-0/17 *Sodium Hypochlorite (NaOCl) in 10.5% Solution* to Allied Universal Corporation, a local vendor, to supply sodium hypochlorite for the Water and Sewer Department.

Sodium hypochlorite is used for disinfection in the water and sewage treatment process. The Water and Sewer Department is converting all of its treatment plants from elemental chlorine to sodium hypochlorite. Each plant has to start with a pilot project to fine tune the treatment process and must be granted regulatory permission to make the conversion. The conversion to sodium hypochlorite is being done to mitigate the potential homeland security, health, safety and transportation risks associated with the delivery and storage of elemental chlorine at the plants.

Scope

The impact of this item is countywide in nature.

Fiscal Impact and Funding Source

The fiscal impact for the total five-year term is \$40,068,000 budgeted from Water and Sewer's proprietary funds.

The previous contract amount was for \$4,042,000 for five years and six months. The new contract allocation is higher due to anticipated usage and to provide for the complete conversion from elemental chlorine to sodium hypochlorite during the five-year period. The increase in cost is consistent with the approximate tenfold increase in volume and transportation costs associated with the conversion to the safer disinfection process.

Track Record/Monitor

This contract is used by the Water and Sewer Department and the contract manager is Gregory Hicks. Herman Ramsey of the Internal Services Department is the Procurement Contracting Officer.

Delegated Authority

If this item is approved, the County Mayor or the County Mayor's designee will have the authority to exercise, at their discretion, contract modifications and extensions, in accordance with the terms and conditions of this contract.

Due Diligence

Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and review of performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There

were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

Vendor Recommended for Award

An invitation to Bid was issued under full and open competition on January 27, 2012. Award of this contract was made to the responsive and responsible bidder offering the lowest aggregate price.

Vendor	Address	Principal
Allied Universal Corporation	3901 NW 115 th Ave, Miami, FL	James Palmer

The above firm is not a certified Small Business Enterprise.

Vendors Not Recommended for Award

Proposer	Reason for Not Recommending
Brenntag Mid-South, Inc.	Prices are higher than the low bidder.

The above firm is not a certified Small Business Enterprise.

Applicable Ordinances and Contract Measures

- The Small Business Enterprise Bid Preference and Local Preference were applied in accordance with the applicable ordinances.
- The Living Wage Ordinance does not apply.
- The two percent User Access Program provision applies and will be collected on all purchases.



Alina T. Hudak
County Manager/ Deputy Mayor

Item 1.5**Memorandum****Date:** August 21, 2012**To:** Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners**From:** Carlos A. Gimenez
Mayor **Subject:** Recommendation to Establish a Pre-Qualification Pool: Photographic Processing Services and Supplies, Close Circuit Television (CCTV), Broadcast and Audio Visual Equipment Parts and Repair Services**Recommendation**

It is recommended that the Board of County Commissioners (Board) approve establishment of a pre-qualification pool for contract 9633-1/22 *Photographic Processing Services and Supplies, Close Circuit Television (CCTV), Broadcast and Audio Visual Equipment Parts and Repair Services Pre-qualification Pool* for purchase of photographic processing services and supplies, close circuit television (CCTV), broadcast and audiovisual equipment, parts, and repair services for various County departments.

This contract is used to service CCTV and audiovisual equipment, and to obtain photographic processing on an as-needed basis. The awarded vendors will compete in spot market competitions as needs arise to provide the required services. The vendors will be required to furnish all labor, equipment, supervision, transportation, and incidentals necessary to pick up, deliver, and service the equipment as specified.

Scope

The impact of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the initial five-year term is up to \$755,000. If the one, five-year option-to-renew period is exercised, the cumulative value of the contract will be up to \$1,510,000. The proposed contract amount is based on past usage and anticipated needs over the next five years. The allocations are budgeted as follows:

Department	Allocation	Funding Source	Contract Manager
Aviation	\$30,000	Proprietary Funds	Neivy Garcia
Medical Examiner	155,000	General Fund	Theresa Bryant
Police	150,000	General Fund	Laura Romano
Public Works and Waste Management	25,000	General Fund	Olga Espinosa-Anderson
Water and Sewer	125,000	Proprietary Funds	Cheryl-Hughes Thomas
Community Information and Outreach	60,000	General Fund	Deborah Dean
Regulatory and Economic Resources	25,000	General Fund	Johnny Lariosa
Parks, Recreation and Open Spaces	100,000	General Fund	Bill Solomon
Community Action and Human Services	20,000	Federal Funds	Shirley Almeida
Public Housing and Community Development	35,000	Federal Funds	Barry Cowins
Seaport	10,000	Proprietary Funds	Phillip Rose
Fire Rescue	20,000	Fire District Funds	Armando Corbett
Total	\$755,000		

Previously, these services were available under two separate contracts; both contracts combined were valued at \$1,542,000 for five years. Under the previous contracts, the usage by the authorized departments was lower and the approved allocations were overstated. The proposed allocation for this replacement contract is approximately \$787,000 lower than the existing allocations for the initial five-year term. The new contract is a consolidation of services.

Track Record/Monitor

This contract is used by various County departments. The contract managers for each department are listed in the table above. Roma Campbell of the Internal Services Department is the Procurement Contracting Officer.

Delegated Authority

Upon approval of this item, a pool of pre-qualified vendors will be established to participate in spot market competitions. The County Mayor or County Mayor's designee will have the authority to solicit pricing and award contracts up to an aggregate contract amount of the allocation authorized by the Board. Additionally, the County Mayor or County Mayor's designee may add qualified vendors to the pool at any time during the contract term, subject to bi-annual ratification by the Board. The County Mayor or County Mayor's designee will also have the authority to exercise, at their discretion, contract modifications, options-to-renew, and other extensions in accordance with the terms and conditions of the pool contract.

Vendors Recommended for Award

An Invitation to Bid was issued under full and open competition on May 16, 2012. Two pre-qualification pools were established. Group 1 is for photographic processing services and supplies, and Group 2 is for CCTV, broadcast, audio visual equipment parts and repair services. An additional vendor is anticipated to be added to Group 1 as they become eligible to enter the pre-qualification pool. .

Vendor	Address	Principal	Award Group
Bass United Fire & Security Systems, Inc.	1480 SW 3 Street C-9 Pompano Beach, FL	Brad A. Higdon	Group 2
Pitman Photo Supply	13911 S Dixie Highway Miami, FL	Michael L. Werner	Group 1
Security & Sound Systems, Inc.	6590 W Rogers Circle #8 Boca Raton, FL	Matthew Rector	Group 2
Silent Guard Systems, Inc.	4835 Hollywood Blvd, Suite 1 Hollywood, FL	Madelyn Levy	Group 2

None of the above firms are certified Small Business Enterprises (SBE).

Vendors Not Recommended for Pre-Qualification Pool

None

Due Diligence

Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There

were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

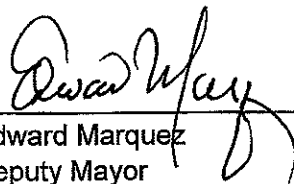
Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies and will be collected on all purchases, where permitted by funding source.
- The Small Business Enterprise Set Aside and Local Preference will be applied at time of spot market competitions, where permitted by funding source.
- The Living Wage ordinance does not apply.

Background

This contract will be utilized for different projects and services to support County operations. The need for these products and services for the major user departments are detailed below:

- The Parks, Recreation, and Open Spaces Department uses this contract to assist in the setup and coordination of tennis tournaments, golf division facilities, coastal region facilities, show mobile, and soundstage operations.
- The Medical Examiner and Police departments use this contract for purchase of miscellaneous photographic supplies that are essential to process requests for the reproduction of case photographs in support of investigations conducted by various law enforcement agencies, documenting autopsies, crime scenes, and other evidentiary items.
- The Water and Sewer Department uses this contract to purchase photographic equipment (including digital and disposable cameras) and supplies that are needed for field staff and various projects, inventory of parts and equipment, inspections, and investigation of construction and safety issues.



Edward Marquez
Deputy Mayor

Date: August 21, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Recommendation to Award a Contract and Establish a Pre-Qualification Pool for Fire Hydrants, Accessories, Parts, and Locks

Recommendation

It is recommended that the Board of County Commissioners (Board) approve award of Contract 5317-0/17 to various vendors as shown on page two of this memorandum for the purchase of fire hydrants (Group A) and fire hydrant locks and key wrenches (Group B). Approval is also requested to establish a pre-qualification pool for fire hydrant replacement parts and accessories (Group C).

The Miami-Dade Water and Sewer Department (WASD) is responsible for maintaining and repairing approximately 45,000 fire hydrants located within the unincorporated areas, the City of Miami, and the City of Coral Gables.

Scope

Impact of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the proposed five-year contract term is up to \$3,365,000 budgeted from WASD proprietary funds. The previous contract amount was \$3,140,000 for five and a half years. The increase is attributed to price increases for metals since the previous contract.

Track Record/Monitor

This contract is utilized by WASD, whose contract manager is Greg Hicks. Robin Webb of the Internal Services Department is the Procurement Contracting Officer.

Delegated Authority

If this item is approved, the County Mayor or the County Mayor's designee will have the authority to exercise, at their discretion, contract modifications and extensions in accordance with the terms and conditions of the pool contract. A pre-qualified pool of vendors will be established in Group C to participate in spot market competitions. The County Mayor or the County Mayor's designee will have authority to solicit pricing and award contracts up to an aggregate contract amount of the allocation authorized by the Board. Additionally, the County Mayor or the County Mayor's designee may add qualified vendors to the pool at any time during the contract term, subject to bi-annual ratification by the Board.

Due Diligence

Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines, to determine contractor responsibility, included verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

Vendor(s) Recommended for Award

An Invitation to Bid was issued under full and open competition on April 30, 2012. The recommended vendors are the two, lowest-priced responsive and responsible bidders by item in Groups A (Purchase of Fire Hydrants) and B (Purchase of Fire Hydrant Locks and Key Wrenches). Additionally, all of the bidders who met the solicitation requirements are pre-qualified for the pre-qualification pool being established in Group C (purchase of fire hydrant replacement parts and accessories on an as-needed basis).

Vendor	Address	Principal	Award
Corcel Corp. (SBE)	2461 N.W. 23 St. Miami, FL	Rafael L. Corona	Group A – Secondary Items 1-12 Group C – Pre-qualified
Ferguson Enterprises d/b/a Ferguson Waterworks	7480 N.W. 48 St. Miami, FL	Terry E. Hall	Group B – Secondary, Items 1-8 Group C – Pre-qualified
HD Supply Waterworks, LTD	10810 N.W. 92 St. #108 Miami, FL	HD Supply GP & Management Inc.	Group A – Primary, Items 13-16 Group C – Pre-qualified
McGard LLC	3875 California Rd. Orchard Park, NY	Durham McCauley	Group B – Primary, Items 1-8 Group C – Pre-qualified
Mueller Co. LTD	500 W. Eldorado St. Decatur, IL	Mueller Co. 1 LLC	Group A – Primary, Items 1-12 Group C – Pre-qualified

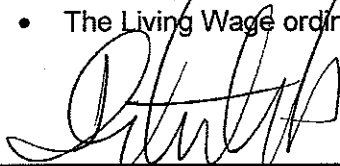
Note: There is no Secondary Vendor for Group A, Items 13 to 16, as there was only one bidder for those items.

Vendor(s) Not Recommended for Award


None

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies and will be collected on all purchases.
- For Group A and B, the Small Business Enterprise Bid Preference and Local Preference were applied in accordance with the applicable ordinances. For Group C, they will be applied at the time of spot market competitions.
- The Living Wage ordinance does not apply.



Alina T. Hudak
County Manager/Deputy Mayor

Date: August 21, 2012
To: Honorable Chairman Joe A. Martinez
 and Members, Board of County Commissioners
From: Carlos A. Gimenez
 Mayor 
Subject: Recommendation for Award, Polo Shirts

Recommendation

It is recommended that the Board of County Commissioners (Board) approve award of contract 8148-0/17 Polo Shirts to the vendors listed below for the purchase of polo shirts.

Various departments provide their employees with uniforms to ensure a clean and consistent look to the public or as required in collective bargaining agreements. This contract includes access to polo shirts with special features, as operationally required; such as those that allow for the wicking of moisture away from the body, fabric treatments which provide protection from the sun, and anti-microbial treatments which control odor.

Scope

The impact of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the total five year contract term is \$1,642,000.

The proposed allocations are based on past usage and are budgeted as follows:

Department	Allocation	Funding Source(s)	Contract Manager
Animal Services	\$61,000	General Fund	Angel Villarreal
Aviation	20,000	Proprietary Funds	Neivy Garcia
Community Information and Outreach	30,000	General Fund	Deborah Dean
Corrections and Rehabilitation	40,000	General Fund	Mohammad Haq
Fire Rescue	1,076,000	Fire District Funds	Marianela Betancourt
Information Technology	30,000	Internal Service Funds	Manny Fernandez
Internal Services	12,000	Internal Service Funds	Etta Jardine
Medical Examiner	13,000	General Fund	Theresa Bryant
Parks, Recreation and Open Spaces	150,000	General Fund	Debbie Frost
Police	120,000	General Fund	Laura Romano
Public Works and Waste Management	65,000	General Fund	Ruth Rodriguez
Regulatory and Economic Resources	25,000	Proprietary Funds	Vivian Sotolongo
Total	\$1,642,000		

The scope of this contract has been expanded to consolidate two previous contracts, including Fire Rescue's polo shirt requirements, valued at \$2,332,000 for five and a half years. The new contract will allow all County polo shirt requirements to be obtained through one contract. Award of this contract represents a reduction of \$690,000 due to the combining of two contracts, reductions in estimated usage, and the better pricing received on some items.

Track Record/Monitor

The contract managers for each department are listed in the table above. Abelin Rodriguez of the Internal Services Department is the Procurement Contracting Officer.

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise, at their discretion, contract modifications, and extensions, in accordance with the terms and conditions of the contract.

Vendor(s) Recommended for Award

An Invitation to Bid was issued under full and open competition on February 22, 2012. Award of this contract was made to the lowest responsible, responsive vendor on an item by item basis for Group 1 (general County use) and to the lowest responsible, responsive vendor in the aggregate of all items for Group 2 (Miami-Dade Fire Rescue). The groups represent specifications and estimated quantities for 12 County departments.

Awardee(s)	Address	Principal	Award Group
Global Trading, Inc. (SBE)	7262 NW 33 St. Miami, FL	Viraj Wikramanayake	Primary: Group 1 Items 1-3, 16, 17, 22, and 23-29 Secondary: Group 1 Items 13 and 21
IPA Corp. (SBE)	19840 Cutler Ct. Cutler Bay, FL	Norberto Cedema	Primary: Group 1 Items 5 and 23-29 Secondary: Group 1 Items 1-3 and 14
Monica Manufacturing, Inc. (SBE)	2605 W 8 Ave Hialeah, FL	Elizabeth Baltodano	Primary: Group 1 Items 20, 23-29 Secondary: Group 1 Item 22 Primary: Group 2
Paragon Uniform Group, Inc. (SBE)	1612 Jefferson Ave. PH1 Miami Beach, FL	Pedro Gonzalez	Primary: Group 1 Items 4, 6-9, 11-15, 18 and 23-29 Secondary, Group 1 Items 5, 10, 16 and 20
Picasso Embroidery Systems, Inc. (SBE)	6095 NW 167 St. #D1 Miami, FL	Mery Silberman	Secondary: Group 2
Plan B Concepts, Inc. (SBE)	6291 Miller Dr. South Miami, FL	Monique Praschnik	Primary: Group 1 Items 10 and 23-29 Secondary: Group 1 Items 7-9, 11, 12, 15 and 17 – 19
T-Shirt Plus Color, Inc. (SBE)	4156 SW 74 Ct. Miami, FL	Susana Grossen	Primary: Group 1 Items 19, 21 and 23-29 Secondary: Group 1 Items 4 and 6

Due Diligence

Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

Vendors Not Recommended for Award

Vendor	Reason
Eurenas Fashions International, Inc.	Firm did not comply with the Small Business Enterprise set aside requirements of the solicitation.
IPA Corp. (SBE)	The firm's bid for Group 1, Item 19 was found non-responsive by the County Attorney's Office for not bidding on all sizes.*
International Promotional Ideas, Inc.	Firm did not comply with the Small Business Enterprise set aside requirements of the solicitation.
Palmetto Uniforms, Inc. (SBE)	Firm bid higher than the low bidder.
Paragon Uniform Group, Inc. (SBE)	Firm proposed a like equivalent shirt for Group 1, Item 1 which was other than what was specified. Upon review of the equivalent proposed, the user department, Public Works and Waste Management (PWWM) did not approve the proposed shirt because it was not the level of quality required. The firm's bid for Group 1, Item 19 was found non-responsive by the County Attorney's Office for not bidding on all sizes.*
Picasso Embroidery Systems, Inc. (SBE)	Firm proposed like equivalent shirts for Group 1, Items 1-3 which were other than what was specified. The user department (PWWM) did not approve the proposed shirt because it was not the level of quality required.
Plan B Concept, Inc. (SBE)	Firm proposed shirts for Group 1, Items 1 and 2 which were other than the ones specified. Upon review of the equivalent proposed, the user department (PWWM) did not approve the proposed shirt because it was not the level of quality required. Firm proposed shirts for Group 1, Items 13 and 14 which were other than the ones specified. Upon review of the equivalent shirts, they were not approved by the user department. The firm was found non-responsive for Group 2 by the County Attorney's Office for not offering prices for all items.*
T-Shirt Plus Color, Inc. (SBE)	Firm proposed a shirt for Group 1, Item 1 which was other than the one specified. Upon review of the equivalent proposed, the user department (PWWM) did not approve the proposed shirt because it was not the level of quality required.
Unique Embroidery, Inc. (SBE)	Firm bid higher than the low bidder.

* County Attorney's Office's opinions are attached.

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies and will be collected on all purchases.
- The Small Business Enterprise Set Aside and Local Preference were applied in accordance with the applicable ordinances.
- The Living Wage ordinance does not apply.


Genaro "Chip" Iglesias
Deputy Mayor

Rodriguez, Abelin (ISD)

From: Rosenthal, Oren (CAO)
Sent: Monday, August 06, 2012 2:08 PM
To: Rodriguez, Abelin (ISD)
Cc: Auguste, Tracie (ISD)
Subject: RE: Bid 8148-0/17, Polo Shirts

To clarify, the footnote in the May 4, 2012 opinion is only meant to indicate that the May 4, 2012 opinion supersedes the April 21, 2012 opinion to the extent that any of the analysis is inconsistent based upon the new information, which was not originally provided, and does not otherwise change the April 21, 2012 opinion. Thanks.

Oren Rosenthal

Assistant County Attorney
111 NW 1 Street, Suite 2810
Miami, Florida 33128
(305) 375-2828
(305) 375-5634 fax

From: Rodriguez, Abelin (ISD)
Sent: Monday, August 06, 2012 2:00 PM
To: Rosenthal, Oren (CAO)
Cc: Auguste, Tracie (ISD)
Subject: Bid 8148-0/17, Polo Shirts

Oren:

On April 21, 2012 you provided me an opinion about;
IPA Corporation's responsiveness to Group 1 Item 26.
Plan B Concepts bid for Group 2.

You found, IPA was responsive and Plan B was not responsive.

On the May 4th opinion the questions were;
IPA Corporation's pricing reference Group 1, Item 19.
Paragon Uniform Group's pricing for Group 1, Item 19.
Plan B Concept's not using the pricing pages issued in an Addendum which had been issued to the ITB.

You found IPA and Paragon non-responsive and Plan B responsive.


My problem is on the May 4th opinion by the subject line you put a footnote which states the May opinion supersedes the April opinion. They were different questions on different items in the solicitation, each opinion should stand alone. I need the May opinion without the foot note.

A. Rodriguez, Procurement Contracting Officer
Internal Services Department
111 NW 1 St. Ste 1300
Miami, FL. 33128-1974
Ph. (305) 375-4744 Fax. (305) 372-6128

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records.
E-mail messages are covered under such laws and thus subject to disclosure.

Date: August 21, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Recommendation to Award of Contract for Latex and Nitrile Gloves and Rejection of Bids for Item No. 13 of Group B

Recommendation

It is recommended that the Board of County Commissioners (Board) approve award of contract 8909-0/18 *Latex and Nitrile Gloves* to the nine vendors listed on the following page for the purchase of latex and nitrile gloves (Items #1 through #12). It is also recommended that the Board approve rejection of bids received for Item # 13 of Group B (polyethylene gloves).

Latex and nitrile gloves are used by multiple County departments to protect both their employees and the public in bio-hazardous situations and ensure proper hygiene, sanitary conditions, and non-contamination, such as during medical examinations and procedures to help prevent contamination between patients. Nitrile gloves are made from synthetic materials and are purchased for use by employees who may have an allergic reaction to latex.

The rejection of the polyethylene gloves item is recommended because the proposals received exceed the current market prices. This type of glove will be re-solicited among the awarded vendors at a later date.

Scope

The impact of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the five year contract term is \$4,422,000. The proposed allocations are based on past usage and are budgeted as follows:

Department	Allocation	Funding Source(s)	Contract Manager
Animal Services	\$40,000	General Fund	Angel Villarreal
Aviation	100,000	Proprietary Funds	Neivy Garcia
Corrections and Rehabilitation	2,000,000	General Fund	Mohammad Haq
Community Action and Human Services	250,000	General Fund / State Funds	Shirley Almeida
Fire Rescue	1,750,000	Fire District Funds	Marianela Betancourt
Juvenile Services	20,000	General Fund	Cindy Akerman
Medical Examiner	75,000	General Fund	Theresa Bryant
Police	20,000	General Fund	Laura Romano
Parks, Recreation and Open Spaces	5,000	General Fund / Proprietary Funds	Debbie Frost
Public Works and Waste Management	150,000	General Fund / Proprietary Funds	Olga Espinosa-Anderson
Regulatory and Economic Resources	12,000	General Fund / Proprietary Funds	John Laroisa
Total	\$4,422,000		

The previous contract value was \$9,410,000 for five and a half years. The lower contract value is a result of lower anticipated usage during the next contract term, increased competition, expanded scope of services, and better pricing.

Track Record/Monitor

The contract managers for each department are listed in the table above. Abelin Rodriguez of the Internal Services Department is the Procurement Contracting Officer.

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise, at their discretion, contract modifications, and extensions, in accordance with the terms and conditions of the contract.

Vendor(s) Recommended for Award

An Invitation to Bid was issued under full and open competition on November 9, 2011. Award of this contract was made to the three lowest-priced responsive, responsible bidders (as primary, secondary and tertiary vendors), on an item-by-item basis. Attached are County Attorney's Office opinions regarding the responsiveness of two vendors (Apple Medical Equipment, Inc. and District Healthcare and Janitorial Supply, Inc.).

Awardee	Address	Principal	Items Awarded
American Purchasing Services, LLC.	4380 NW 135 th St. Opa Locka, FL	Akhil Agrawal	Tertiary: Item 1
Bound Tree Medical LLC	5000 Tuttle Crossing Blvd Dublin, OH	Andrew Love	Primary: Items 3 and 7 Secondary: Items 4, 5 and 8
District Healthcare & Janitorial Supply, Inc. (SBE)	10125 N.W. 116 th Way Suite 16 Medley, FL	Kenneth Hopkins	Primary: Items 9 - 12
Faycroft Interior & Purchasing, Inc.	15037 SW 141 st Terr. Miami, FL	Norma Bancroft	Primary: Item 2 Secondary: Items 1 and 6
Magid Glove & Safety Manufacturing Company, LLC.	2060 N. Kolmar Ave. Chicago, IL	Joey Guerrero	Primary: Item 5
Midwest Medical Supply Co., LLC.	13400 Lakefront Dr. Earth City, MO	Jo Ann Rudd	Primary: Items 1, 4 and 8 Secondary: Items 3 and 7 Tertiary: Item 5
Palmetto Uniforms, Inc. (SBE)	8869 SW 131 st St. Miami, FL	Ramonita Cruz Feick	Primary: Item 6 Secondary: Items 2 and 12 Tertiary: Items 4 and 7
Total Connection, Inc. (SBE)	20451 NW 2 nd Ave. Suite 120 Miami, FL	Joseph Orukotan	Secondary: Item 9 Tertiary: Items 3 and 8
Wenoc Enterprises, Inc. (SBE)	20022 NW 62 nd Place Miami, FL	Willie Cone	Tertiary: Items 9 and 12

** There is no secondary recommendation for Items 10 and 11, and there is no tertiary recommendation for Items 2, 6, 10 and 11 because bids were deemed excessive or insufficient bids were received.*

Due Diligence

Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

Vendors Not Recommended for Award

Vendor	Reason for Not Recommending
Apple Medical Equipment, Inc.	Firm did not comply with County Ordinances requiring Subcontractor/Supplier Listing (97-104) and Collusion Affidavit (08-113). Firm also did not comply with the Small Business Enterprise set aside requirements for Group B of the solicitation. This firm was found to be non-responsible.
Faycroft Interior & Purchasing, Inc.	These firms did not comply with the Small Business Enterprise set aside requirements for Group B of the solicitation.
Magid Gloves and Safety, Inc.	
Midwest Medical Supply Co., Inc.	
Performance Safety Group, Inc.	These firms did not comply with the Small Business Enterprise set aside requirements for Group B of the solicitation. They bid higher than the recommended bidders for items in Group A.
Ritz Safety, Inc.	
Total Connection, Inc. (SBE)	These firms' bids for Group B, Item 13 were rejected, as it is not in the County's best interest to award this item.
Wenoc Enterprises, Inc. (SBE)	
Palmetto Uniforms, Inc. (SBE)	

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies and will be collected on all purchases where permitted by funding source.
- The Small Business Enterprise Set Aside and Local Preference were applied in accordance with the applicable ordinances.
- The services being provided are not covered under the Living Wage ordinance.

Attachments


Genaro "Chip" Iglesias
Deputy Mayor

Memorandum



Date: April 27, 2012

To: Abelin Rodriguez
Contracting Officer
Internal Services Department

From: Eduardo W. Gonzalez
Assistant County Attorney

Subject: ITB No. 8909-0/18 (Latex and Nitrile Gloves)
Bidder: Apple Medical Equipment, Inc.

You have asked this office if the bid submitted by Apple Medical Equipment, Inc. ("Apple Medical") is responsive. We rely on the information provided in your April 25, 2012 memorandum.

The purpose of the ITB is to establish a contract for the purchase of latex and nitrile gloves for various County departments on an as needed basis. You have informed us that Apple Medical did not submit a filled out subcontractor and supplier list with its bid. Apple Medical's failure to list its subcontractors and suppliers in its bid submittal, however, does not invalidate its bid. As set forth below, a requirement that a bidder list its subcontractors is an issue of bidder responsibility as opposed to responsiveness. Consistent with that, the County Code describes the subcontractor listing requirement as "a condition of award." Miami-Dade County Code § 2-8.1(f).

Apple Medical must ultimately submit its subcontractor listing to be awarded the contract but can submit the listing post-bid opening. Apple Medical's bid is responsive.


DISCUSSION

"Generally, a requirement that a bidder list subcontractors in its bid involves a matter of responsibility because it relates to the agency's need to evaluate the subcontractor's qualifications or the bidder's ability to meet equal employment opportunity and minority business requirements." Matter of: CDM Federal Programs Corp., B- 249022, 1992 WL 186992, at *2 (Comp. Gen. 1992); see also Matter of: Hughes Georgia, Inc., B- 244936, B- 244936.2, 91-2 CPD 457, 1991 WL 251277 (Comp. Gen. 1991) (holding that submission of list of potential subcontractors relates to issues of bidders' responsibility); Matter of: Consolidated Group, B- 220050, 86-1 CPD P 21, 1986 WL 69171 (Comp. Gen. 1986) (holding that list of proposed subcontractors required by solicitation was not intended for evaluation purposes, but related to contract administration and the offeror's responsibility); Matter of: Gelco Servs., Inc., B-253376, 93-2 CPD P 163, 1993 WL 376637, at *5 (holding that principal purpose of a sub-subcontractor list is to assist the agency in determining whether a prospective bidder is capable of performing the contract work and, as such, submittal and completion of a sub-subcontractor list involves an issue pertaining to bidder responsibility). Issues going to bidder responsibility can be satisfied post-bid opening, any time prior to actual contract award. See Matter of: John Short & Assocs., Inc.; Comprehensive Health Servs., Inc., B- 236266, B- 236266.4, 89-2 CPD P 448, 1989 WL 241451, at *2 (Comp. Gen. 1989).

Furthermore, the current version of the County ordinance requiring the submittal of a subcontractor list provides that the submission of a subcontractor list is a condition of award. See

Miami-Dade County Code § 2-8.1(f). Accordingly, the subcontractor information requested in the solicitation is information that can be submitted after bid submission at any time prior to award.

Assuming no other responsiveness issues exist, Apple Medical's bid is responsive.



Eduardo W. Gonzalez

Memorandum



Date: January 3, 2012

To: Abelin Rodriguez
Contracting Officer
Internal Services Department

From: Eduardo W. Gonzalez
Assistant County Attorney

Subject: ITB No. 8909-0/18 (Latex and Nitrile Gloves)
Bidder: District Healthcare & Janitorial Supply, Inc.

2012 JAN -6 AM 10:59

You have asked this office if the bid submitted by District Healthcare & Janitorial Supply ("District Healthcare") is responsive.

FACTS

We rely on the information provided in your December 15, 2011 memorandum to Hugo Benitez regarding the bidding issues, the terms of the ITB itself and the bid submitted by District Healthcare. The purpose of the ITB is to establish a contract for the purchase of latex and nitrile gloves for various County departments on an as needed basis. Section 2.0 paragraph 2.7 of the solicitation provides that if a bidder is awarded a contract the prices proposed by the bidder shall remain fixed for a period of twelve (12) months. Thereafter, the bidder may request pricing adjustments from the County. District Healthcare included within its bid a document prepared by Volk Protective Products ("Volk"). Volk is a third party who is not a bidder nor would be in privity with the County in any contract entered into pursuant to the solicitation. Volk is the manufacturer of the products District Healthcare is bidding to the County. The Volk document contained with District Healthcare's bid included the following notation: "Pricing is only guaranteed at 90 day intervals." You have asked us to determine whether this notation prepared by Volk – which is included in District Healthcare's bid – qualifies District Healthcare's bid and render District Healthcare's bid non-responsive.

DISCUSSION

Generally, extraneous documents submitted with a bid must be considered part of the bid. See Matter of: Southeastern Metal Fabrication, B-186750, 76-2 CPD P 265, 1976 WL 9705 (Comp. Gen. 1976); Matter of: J.A. Wynne Co., Inc., B-181807, 74-2 CPD P 268, 1974 WL 11735 (Comp. Gen. 1974). Accordingly, a price escalation clause on a sheet of paper under the bidder's own letterhead included within the bid submittal renders the bid non-responsive. See Southeastern Metal Fabrication, 1976 WL 9705 at *2.

Such is not the case here. Here, the document in question was prepared by Volk, the manufacturer, not the ultimate bidder, District Healthcare. Volk's document – and the notation on prices being guaranteed for a period of 90 days – describes the prices Volk is quoting to District Healthcare. There is nothing on the face of Volk's document that modifies or qualifies District Healthcare's bid prices to the County. Accordingly, the inclusion of the Volk document within District Healthcare's bid does not render District Healthcare's bid non-responsive. Assuming no other responsiveness issues exist, District Healthcare's bid is responsive. This conclusion is consistent with the "strong public policy" under Florida law "in favor of awarding contracts to the low bidder, and an equally strong public policy against disqualifying the low bidder for technical deficiencies which do not confer an economic

advantage on one bidder over another." Intercontinental Props., Inc. v. State Dep't of Health & Rehabilitative Servs., 606 So. 2d 380, 387 (Fla. 3d DCA 1992).

The fact that Volk's prices to District Healthcare are guaranteed only for a period of 90 days may raise the issue of whether District Healthcare is financially capable of providing the County with the latex and nitrile gloves at the prices it bid to the County through the duration of the contract. Such an issue, whether District Healthcare is capable of performing the contract as provided in its bid, is an issue of bidder responsibility. The Board of County Commissioners, or in those instances of delegated authority, the County Mayor or the Mayor's designee ultimately determines the issue of bidder responsibility. These ultimate decision makers of course act with the advice of the County's professional staff. The issue of bidder responsibility is fundamentally one of business judgment and policy, and the County Attorney plays no role in that determination.




Eduardo W. Gonzalez

Item 2.1**Memorandum**

Date: August 7, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Recommendation to Reject all Bids Received: Household Appliances

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve rejection of all five bids received under solicitation 9384-0/20 *Household Appliances*.

Various County departments purchase household appliances, such as range hoods, gas and electric ranges, refrigerators, wall ovens, microwaves, washers and dryers, and dishwashers, for daily operations or for use by County employees. During the evaluation process, it was discovered that several of the appliances specified in the solicitation were no longer in production and not available for purchase. As a result, the responding bidders offered different makes and models from those specified.

Each year, new models of appliances are introduced with varying degrees of product enhancements. Current research indicates that the most effective procurement method is spot purchasing in order to ensure that the most current specifications are used. This method will enhance competition and ensure the County receives the greatest value at the lowest possible price. A new solicitation has been developed which employs the spot purchase method and will be presented to the Board at a future date for consideration.

SCOPE

The impact of this item would have been countywide in nature.

FISCAL IMPACT AND FUNDING SOURCE:

The fiscal impact of the total ten-year contract term would have been \$7,786,000. The allocations were budgeted as follows:

Department	Allocation	Funding Source	Contract Manager
Aviation	\$120,000	Proprietary Funds	Neivy Garcia
Community Action and Human Services	1,200,000	Federal Funds	Shirley Almeida
Corrections and Rehabilitation	404,000	General Fund	Mohammed Haq
Fire Rescue	412,000	Fire District Funds	Marianela Betancourt
Internal Services	100,000	Internal Service Funds	Lucy Romano
Public Housing and Community Development	5,000,000	Federal Funds	Mari Saydal-Hamilton
Transit	300,000	MDT Operating	Daryl Hurston
Water and Sewer	250,000	Proprietary Funds	Gregory Hicks
Total	\$7,786,000		

TRACK RECORD/MONITOR

This contract was to be used by various County departments and the contract managers for each department are listed in the table above. Yuly Chaux of the Internal Services Department is the Procurement Contracting Officer.

VENDORS NOT RECOMMENDED FOR AWARD

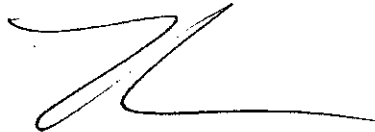
An Invitation to Bid was issued under full and open competition on August 11, 2010. Award was to have been to the two responsive and responsible bidders offering the lowest aggregate price, per group.

Proposer(s)	Reason for Not Recommending
Sears Roebuck & Co.	Rejection of all bids.
Century AAA Ltd (SBE)	
Transworld Services, Inc. (SBE)	
World Access USA LLC (SBE)	
Smith Restaurant Supply Co, Inc.	

The firms certified as Small Business Enterprises are noted above.

APPLICABLE ORDINANCES AND CONTRACT MEASURES

- The Small Business Enterprise (SBE) Bid Preference and Local Preference Ordinances were included in the solicitation, where permitted by funding source.
- The Living Wage Ordinance did not apply.
- The User Access Program provision was applicable, where permitted by funding source.



Russell Benford
Deputy Mayor

Date: August 21, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Recommendation to Reject All Bids: Bulk Industrial Crude Solar Salt

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the rejection of all bids for solicitation 9627-0/17, *Bulk Industrial Crude Solar Salt*.

An Invitation to Bid was issued on March 27, 2012 under full and open competition for purchase and delivery of bulk industrial crude solar salt in tank trucks for the Miami-Dade Water and Sewer Department (WASD). This product is used for on-site generation of sodium hypochlorite (bleach) at wastewater facilities. Morton Salt, Inc. was the only bidder that responded to the solicitation. The County Attorney's Office determined that this firm's bid was non-responsive because the vendor stated that their prices were subject to acceptance within 30 days and offered payment terms that were in conflict with the requirements of the solicitation (see attached opinion). Therefore, it is recommended that the County reject the bid received for this solicitation, and review market conditions in order to increase competition in the replacement solicitation.

Scope

Impact of this item is countywide in nature.

Fiscal Impact/Funding Source

The allocation is \$1,350,000 for three years from WASD proprietary funds.

Track Record/Monitor

The contract manager at WASD is Gregory Hicks. Herman Ramsey in the Internal Services Department is the Procurement Officer.

Vendor(s) Recommended for Award

None. The contract would have been awarded to the two responsive and responsible bidders offering the lowest aggregate price, per item.


Vendor(s) Not Recommended for Award

Proposer	Reason for Not Recommending
Morton Salt, Inc.	The County Attorney's Office deemed the bid non-responsive because it did not comply with the requirements of the solicitation.*

*CAO opinion is attached.

Applicable Ordinances and Contract Measures

- The Small Business Enterprise Bid Preference was included in the solicitation.
- The Living Wage Ordinance did not apply.
- The User Access Program provision was included in the solicitation.
- The Local Preference was included in the solicitation.


Alina T. Hudak
County Manager/Deputy Mayor

Item 2.2



MIAMI-DADE COUNTY COUNTY ATTORNEY'S OFFICE

To: Herman Ramsey
Procurement Contracting Officer
Internal Services Department

From: Monica Rizo
Assistant County Attorney

Re: Responsiveness of bid – Invitation to Bid No. 9627-01/17
Bulk Industrial Crude Solar Salt

Date: May 8, 2012

You have asked this office if a bid submitted by Morton Salt, Inc. ("Morton") may be considered responsive to the above-referenced Invitation to Bid ("ITB"). For the reasons set forth below, we conclude that Morton's bid is non-responsive to the ITB.

FACTS

We rely on the information provided in your memorandum, and the attachments thereto, addressed to this office, dated April 25, 2012 and received April 26, 2012. You indicated that the expected value of the contract, once awarded, is to be over \$1,000,000.

Morton's submitted a bid in response to the ITB. However, Morton included the following statement in its bid: "all prices quoted herein are subject to acceptance within 30 days and shall be deemed automatically to have been withdrawn if, by the end of that period, no award has been made. Terms net 30 days." In your memorandum, you asked us to analyze whether Morton's bid acceptance period of 30 days, rather than the 90 days required by the ITB, renders Morton's bid non-responsive. Specifically, Section 1.2(F)(2) of the ITB provides that "[a] Bid shall be irrevocable unless the Bid is withdrawn as provided herein. . . . A bid may also be withdrawn ninety (90) days after the Bid has been opened and prior to award, by submitting a letter to the contract person identified on the front cover of this Bid Solicitation."

In reviewing the ITB and Morton's bid, this office identified another irregularity in Morton's bid- the aforementioned statement in Morton's bid requires that it be paid within 30 days, rather than in accordance with the State of Florida's and the County's Prompt Payment Acts, which generally provide for payment within 45 days of the receipt of a proper invoice (unless Morton's is a small business, in which case, payment would be due in 30 days). Specifically, Section 1.2(H) of the ITB provides that "the time at which payment shall be due from the County or the Public Health Trust shall be forty-five (45) days from receipt of a proper

invoice. The time at which payment shall be due to small businesses shall be thirty (30) days from receipt of a proper invoice."

DISCUSSION

Based on the facts set forth above, Morton's bid is not responsive and should be rejected. The public purpose in competitive procurement is "best served by construing the bid requirements, if at all reasonable, in a way that would give all bidders an opportunity to bid." *Air Support Servs. Int'l, Inc. v. Metropolitan Dade County*, 614 So. 2d 583 (Fla. 3d DCA 1993). In general, a bid should be rejected or disregarded if there is a material variance between the bid and the advertisement. See *Glatstein v. City of Miami*, 399 So.2d 1005 (Fla. 3rd DCA), rev. denied, 407 So.2d 1102 (Fla. 1981). Only when a variance is immaterial or "minor" is a bidder permitted to change his bid. *Harry Pepper & Associates, Inc. v. City of Cape Coral*, 352 So.2d 1190, 1192 (Fla. 2d DCA 1977). A variance is material if, (1) the effect of the variance would be to deprive the County of the assurance that the contract would be entered into, performed and guaranteed according to its specific requirements; and (2) it would adversely affect competitive bidding by placing a bidder in a position of advantage over other bidders. See *Robinson Electrical Co., Inc. v. Dade County*, 417 So.2d 1032, 1034 (Fla. 3d DCA 1982).

In the instant case, Morton's refusal to hold its bid price open for 90 days, as required by the ITB, constitutes a non-waivable variance from the requirements of the ITB and renders its bid non-responsive. This opinion is consistent with opinions reached by the Federal Comptroller General and other jurisdictions. See e.g., *Matter of: Bridgewater Construction Corp.*, B-214187, 1984 WL 43848 (February 14, 1984) (bid was determined to be nonresponsive because bidder provided for a 15-day bid acceptance period rather than for the minimum 30-day period required by the solicitation); *Matter of: Mariman Security*, B-218407, 1985 WL 61462 April 4, 1985) (bid was properly rejected as non-responsive where 60 day acceptance period in bid was shorter than minimum 90 day period required by the solicitation); *Bodine Electric of Champaign v. City of Champaign*, 711 N.E.2d 471 (Ill. App. Ct. 1999) (submission of a bid bond in less than the amount required was a material variance that would make the bid unresponsive). Additionally, to the extent that Morton is not a small business, as defined by the County Code, then its requirement that it be paid within 30 days, rather than the 45 days set forth in the ITB, is a repudiation of the express terms of the ITB and is a non-waivable material variance that also renders its bid non-responsive.

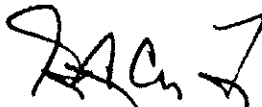


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 14(A)(11)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(11)

10-2-12

RESOLUTION NO. _____

RESOLUTION AUTHORIZING AWARD AND REJECTION
OF COMPETITIVE CONTRACTS, AND, WHERE
AWARDED, AUTHORIZING THE COUNTY MAYOR OR
COUNTY MAYOR'S DESIGNEE TO EXERCISE
OPTIONS-TO-RENEW ESTABLISHED THEREUNDER
FOR PURCHASE OF GOODS AND SERVICES

WHEREAS, this Board desires to accomplish the purposes outlined in the
accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board authorizes
award of competitive contracts as set forth in items 1.1 - 1.8 of the incorporated
memorandum, authorizes the County Mayor or County Mayor's designee to exercise
options-to-renew established there under for the purchase of goods and services. This
Board further authorizes the rejection of all bids as set forth in items 2.1 and 2.2 of the
incorporated memorandum.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this
2nd day of October, 2012. This resolution shall become effective ten (10) days after the
date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective
only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Oren Rosenthal

